UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF WASHINGTON

ALBERT BENJAMIN STUBBLEFIELD,

Plaintiff,

-vs-

STEPHEN EUGENE "RALPH" STUBBLEFIELD and DEBORAH STUBBLEFIELD, BRENT HODGINS, ADENA LYNN HODGINS, and DOES 1-30,

Defendants.

CV-12-5015-LRS

ORDER OF DISMISSAL

Plaintiff has filed a pro se complaint with jury demand requesting RICO remedies. Plaintiff's 60-page Complaint (ECF No. 1), which was supplemented with an 188-page "RICO Case Statement," (ECF No. 10) enumerates various claims characterized as Civil RICO and many unrecognizable causes of action, i.e., "Honest Services;" "Fraud and Swindles," alleged to be violations of 18 U.S.C. § 1346. The Court determines that Plaintiff's Complaint fails to comply with Federal Rule of Civil Procedure 8(a) and fails to state a valid claim(s) for which federal jurisdiction lies. See McHenry v. Renne et al, 84 F.3d 1172, 1178 (9th Cir. 1996). The Complaint is prolix and confusing. Plaintiff has failed to give the court or defendants a clear, concise statement of what circumstances have given rise to legitimate federal claims.

When addressing a pro se complaint, generally a district court "should 1 2 not dismiss without granting leave to amend at least once when a liberal 3 reading of the complaint gives any indication that a valid claim might be stated." Cuoco v. Moritsugu, 222 F.3d 99, 112 (2d Cir.2000) [internal 4 5 quotation and citation omitted]; see also Fed.R.Civ.P. 15(a) (leave to amend "shall be freely given when justice so requires"). An opportunity 6 7 to amend is not required where "the problem with [plaintiffs'] causes of 8 action is substantive" such that "[b]etter pleading will not cure it." 9 Cuoco, 222 F.3d at 112 (finding that repleading would be futile) 10 [citation omitted]; see also Cortec Indus., Inc. v. Sum Holding L.P., 949 11 F.2d 42, 48 (2d Cir.1991) ("Of course, where a plaintiff is unable to allege any fact sufficient to support its claim, a complaint should be 12 13 dismissed with prejudice.") (affirming, in part, dismissal of claim with prejudice) [citation omitted]. 14 15 The Court finds that the deficiencies with this Complaint cannot be 16

cured by any amendment. The Court hereby dismisses Plaintiff's action without prejudice.

IT IS HEREBY ORDERED: Plaintiff's action is DISMISSED without prejudice.

IT IS SO ORDERED. The District Court Executive is directed to enter this Order, enter judgment accordingly, provide a copy to pro se plaintiff and defense counsel, and CLOSE THIS FILE.

**DATED** this 1st day of May, 2012

s/Lonny R. Suko

LONNY R. SUKO

UNITED STATES DISTRICT JUDGE

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